AMENDMENTS TO THE DRAWINGS:

The attached sheet includes new Fig. 34. Support for new Fig. 34 can be found at least in paragraphs [086]-[087] bridging pages 25 and 26 of the originally-filed specification; and Figs. 24, 25A, and 28. No new matter is introduced.

Attachment: Sheet including Fig. 34.

REMARKS

Applicants submit this Amendment in reply to the Office Action mailed May 4, 2007. By this Amendment, Applicants amend the specification, amend claims 1-24, and add new Fig. 34. Claims 1-24 are pending in this application. The originally-filed specification, claims, abstract, and drawings fully support the subject matter of the amended specification, amended claims 1-24, and new Fig. 34. No new matter is introduced.

On page 2 of the Office Action, claim 1 was objected to for allegedly providing an improper antecedent basis for "the opening." However, Applicants note that "a flexible flow valve having an opening" is recited in claim 1 prior to recitation of "the opening." Accordingly, Applicants respectfully request withdrawal of the claim objection.

On pages 2-3 of the Office Action, the drawings were objected to. Applicants provide herewith new Fig. 34 which shows a suction source, a first medical device, and a second medical device connected to various ports on the manifold. Support for new Fig. 34 can be found at least in paragraphs [086]-[087] bridging pages 25 and 26 of the originally-filed specification; and Figs. 24, 25A, and 28. The specification has also been amended to reflect the addition of new Fig. 34. Accordingly, Applicants respectfully request withdrawal of the drawing objection.

On pages 3-4 of the Office Action, claims 1-24 were rejected under 35 U.S.C. § 101. Applicants have amended independent claim 1 as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of the Section 101 rejection.

On page 4 of the Office Action, claim 2 was rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.

Applicants disagree that the originally-filed specification did not disclose a second medical device being a suction device. For example, page 26, lines 4-6 of the originally-filed specification recites that the "second device port 614 is configured to accommodate a second such device capable of accomodating suction, preferably a suction biopsy forceps (not shown)." Accordingly, Applicants respectfully request withdrawal of the Section 112, first paragraph rejection.

On pages 5-7 of the Office Action, claims 1-24 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Applicants have amended the claims to clarify that independent claim 1 recites a system including each of the manifold, the suction source, the first medical device, and the second medical device. These amendments also address the comments set forth on pages 13-15 of the Office Action. Accordingly, Applicants respectfully request withdrawal of the Section 112, second paragraph, rejection.

On pages 7-10 of the Office Action, claims 1-3, 12-15, 17, 19, and 20-24 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,142,980 to Schalk ("Schalk"). Applicants respectfully traverse this rejection at least for the reasons set forth on pages 7-9 of the Amendment filed February 5, 2007.

Namely, independent claim 1 recites a system including, among other aspects, "a suction source; a first medical device; a second medical device; a manifold having at least three ports, the ports including a suction port connected to the suction source, a first device port accommodating the first medical device to receive suction from the suction source and adapted to be inserted into a body lumen for performing a first procedure, and a second device port accommodating the second medical device to

receive suction from the suction source and adapted to be inserted into the body lumen for performing a second procedure." Schalk does not disclose or suggest at least these aspects of the claimed invention either alone or in combination with the other aspects of the claimed invention, as any cited reference must not only be "merely capable of performing the claimed intended use," but must actually perform the intended use. Schalk does not disclose a device that actually performs the aforementioned uses.

Page 15 of the Office Action asserts that "port 66 has been identified as the second device port" and that "port 66 of Schalk is clearly capable of accommodating such a medical device, wherein such accommodation may be made without removal of poppet valve 74 or any feature of the adapter." However, overpressure chamber 66 could not accommodate any medical device to receive suction from a suction source without the removal of poppet valve 74. Moreover, because poppet valve 74 is an important component that assists in controlling the pressure in control valve assembly 10, as detailed on col. 3, line 50 through col. 4, line 5 of Schalk, to remove poppet valve 74 would impermissibly destroy the device of Schalk by rendering it unsatisfactory for its intended purpose. See In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

Page 15 of the Office Action also asserts that "the valve 50 appears to allow fluid to flow from first port 20 to suction port 24 and further appears to allow fluid to flow from first port 20 to second port 66." However, such is not the case. Fluid flows through overpressure chamber 66 and poppet valve 74 when there is an overpressure from outlet passage 48 (the alleged suction port). There is no such fluid flow between "first

port" 20 and "second port" 66. Accordingly, there is no "first flow path between the first device port and the second device port" as set forth in independent claim 1.

For at least these reasons, Applicants respectfully request withdrawal of the Section 102(e) rejection based on Schalk.

On pages 10-13 of the Office Action, claims 1-3, 12-15, 17-20, 23, and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,346,477 to Edwards et al. ("Edwards"), and claims 4-11 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Edwards. Applicants respectfully traverse these rejections for similar reasons as set forth above with respect to Schalk, for example, as set forth on pages 9-10 of the Amendment filed February 5, 2007.

Moreover, page 15 of the Office Action asserts "the applicants statements here indicate that the applicants believe the 'accommodation' as claimed requires a fluid pathway between the port and the interior of the device." Such is not the case. Independent claim 1 recites a system including, among other aspects, "a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port, the flexible flow valve permitting simultaneous fluid flow between the suction port and both the first and second device ports." Accordingly, the language of independent claim 1 recites various flowpaths between ports through the flexible flow valve which are not disclosed by Edwards.

For at least these reasons, Applicants respectfully request withdrawal of the Section 102(b) rejection based on Edwards.

As the Section 103(a) rejection does not address the aforementioned deficiencies of Edwards, Applicants respectfully request withdrawal of the Section 103(a) rejections based on Edwards.

Applicants further submit that claims 2-24 depend from independent claim 1, and are therefore allowable for at least the same reasons that independent claim 1 is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore at least some also are separately patentable.

Applicants respectfully assert that this Amendment places claims 1-24 in condition for allowance. This claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time, not otherwise provided for, that are required to enter this Amendment, and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 19, 2007

By: _____
Michael W. Kim
Reg. No. 51,880

OIPE IAP97
JUL 19 2007
PATENT & TRADEMARK OFFICE

NEW SHEET

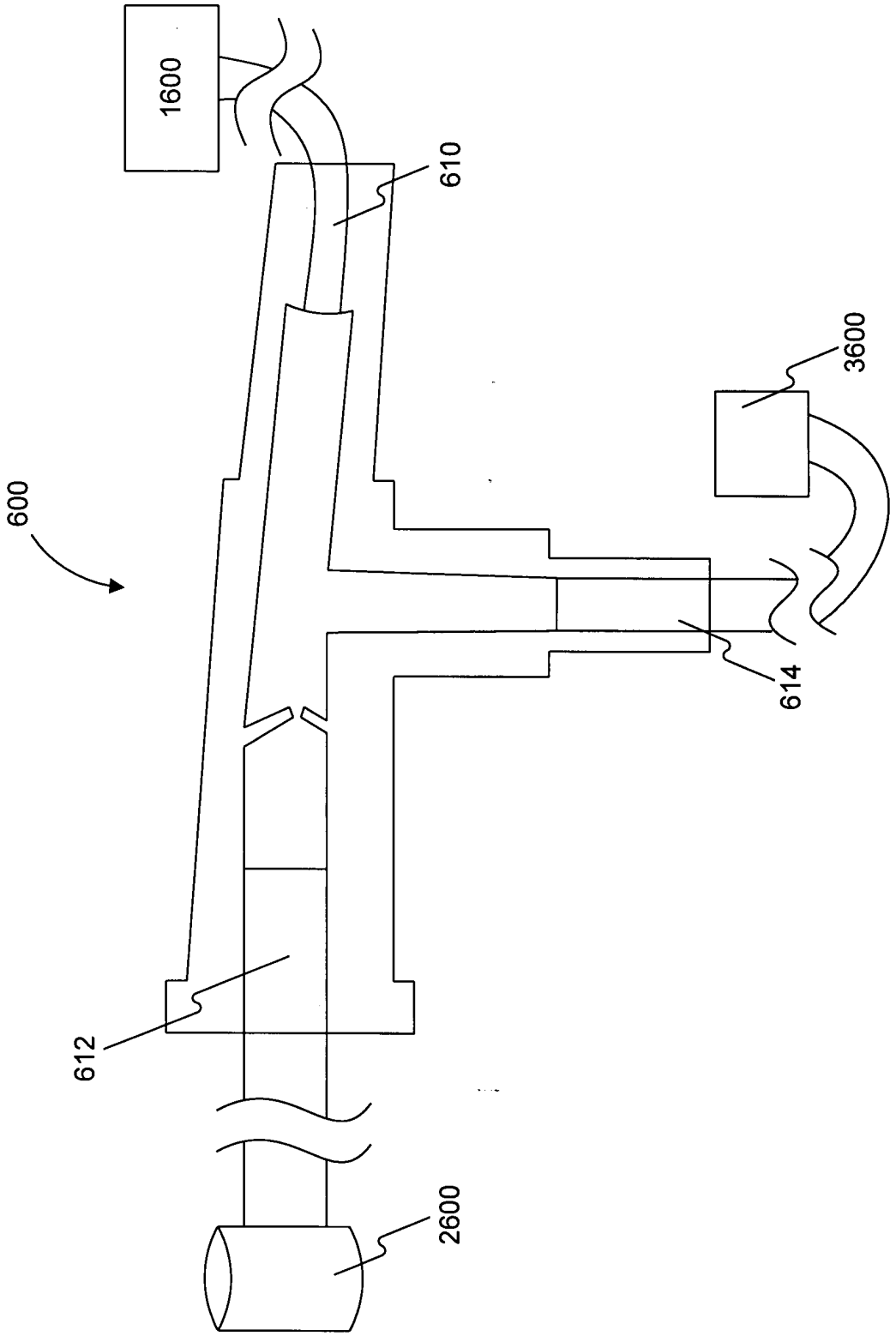


FIG. 34